

LEGISLATIVE AND REGULATORY UPDATE FOR THE ARIZONA GAME AND FISH LAWS AND RULES 2007-2008 EDITION

Statutory Amendments Effective December 31, 2008

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TITLE 5 AMUSEMENTS AND SPORTS

CHAPTER 3 BOATING AND WATER SPORTS

ARTICLE 1. GENERAL PROVISIONS

5-302. Application of chapter

A. This chapter applies to all watercraft operating on all of the waterways of this state, including that part of waters that is common to interstate boundaries and that is within the boundaries of this state, excluding vessels owned by agencies of the federal government in performance of their official duties.

B. Section 5-391, subsections G and H and sections 5-392 and 5-393 apply to all watercraft in this state, whether or not operating on waterways of this state, and includes watercraft operating on waterways that are part of water that is common to interstate boundaries and that is within the boundaries of this state.

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ARTICLE 3. REGISTRATION AND TAXATION OF WATERCRAFT

5-321.01. Staggered watercraft registration; rules

A. The commission shall establish a system of staggered registration on a monthly basis in order to distribute the work of registering watercraft as uniformly as practicable throughout the twelve months of the calendar year.

B. All watercraft registrations provided for in this article expire in accordance with the schedules established by the commission. The commission may set the number of renewal periods within a month from one each month to one each day depending on which system is most economical and best accommodates the public.

C. The commission, in order to initiate the staggered registration system, may register a watercraft for a period of greater or less than twelve months up to a period of thirty-six months. If a registration period is set for a period other than twelve months the commission may prorate the registration fee.

D. The commission shall adopt rules necessary to accomplish the purposes of this section. 2008

ARTICLE 5. OPERATION OF WATERCRAFT

5-349. Watercraft casualties; violation; classification

A. The operator of a watercraft involved in a collision, accident or other casualty, to the extent the operator can do so without serious danger to the operator's own watercraft or persons aboard, shall:

1. Immediately stop the watercraft at the scene of the collision, accident or other casualty or as close to the scene of the collision, accident or other casualty as possible but shall immediately return to the scene.

2. Render all practical and necessary assistance to persons affected to save them from danger caused by the collision, accident or other casualty.

3. Remain at the scene of the collision, accident or other casualty until the operator has complied with subsection B of this section.

B. The operator of a watercraft involved in a collision, accident or other casualty shall give the operator's name and address and the identification of the operator's watercraft to any person injured and to the owners of any property damaged.

C. Whenever death or injury results from any watercraft collision, accident or other casualty, a written report shall be submitted within forty-eight hours. For every other collision, accident or other casualty involving property damage exceeding five hundred dollars, a report shall be submitted within five days after the incident by the operator or owner of the watercraft involved. Written reports shall be submitted directly to the department for use in statistical studies for casualty prevention. Reports shall not be used as evidence in any trial, civil or criminal, arising from any collision, accident or other casualty. On request, a report shall be forwarded to the United States coast guard or other authorized federal agency to be used in statistical studies for casualty prevention.

D. To maintain uniformity, watercraft casualty reports shall be on a form approved by the commission.

E. Every peace officer who, in the regular course of duty, investigates any watercraft collision, accident or other casualty involving death or personal injury or involving property damage exceeding five hundred dollars shall prepare and transmit a report to the department pursuant to subsection C of this section.

F. If the operator of a watercraft is involved in a collision or accident that results in death or serious physical injury, as defined in section 13-105, and the operator fails to stop or comply with the requirements of subsection A of this section, the operator is guilty of a class 5 felony. If the operator of a watercraft is involved in a collision or accident that results in injury other than death or serious physical injury and the operator fails to stop and comply with the requirements of subsection A of this section, the operator is guilty of a class 6 felony. If the operator of a watercraft is involved in a collision or accident that results only in damage to another watercraft that is operated or attended by another person, and the operator fails to stop and comply with the requirements of subsection B of this section, the operator is guilty of a class 3 misdemeanor. 2008

ARTICLE 9. VIOLATIONS AND PENALTIES

5-391. Enforcement; violation; classification

A. Any person who violates any provision of this chapter, except section 5-341, subsection A, B, C or D, section 5-349, section 5-350, subsection C, section 5-393, 5-395, 5-396 or 5-397 and subsection C, D, G or H of this

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section or any rule issued thereunder, is guilty of a petty offense. Any person who violates section 5-350, subsection C is guilty of a class 2 misdemeanor.

B. All peace officers of the state, counties and cities shall enforce the provisions of this chapter and all laws and rules relating to the operation of watercraft.

C. In the enforcement of this chapter, the operator of the watercraft on being hailed by any peace officer shall stop immediately and lay to, or maneuver in such a way as to permit the peace officer to come aboard or alongside. The operator may be ordered ashore to correct any unlawful condition, issued a written warning or written repair order or issued a citation for any violation of this chapter.

D. An operator of a watercraft who wilfully flees or attempts to elude a pursuing law enforcement officer issuing an order pursuant to subsection C of this section is guilty of a class 5 felony. The law enforcement watercraft shall be appropriately marked to show that it is an official law enforcement watercraft.

E. In the enforcement of this chapter, sections 13-2506 and 13-3903 apply.

F. Each failure to obey an order or to comply with a warning order issued under subsection C of this section shall constitute a separate offense punishable as a separate violation of this chapter.

G. A person is guilty of a class 6 felony who knowingly removes, defaces, obliterates, changes, alters or causes to be removed, defaced, obliterated, changed or altered a factory, engine, serial, outdrive, lower unit, power trim or hull identification number or mark on a watercraft.

H. A person is guilty of a class 2 misdemeanor who:

1. Knowingly displays or has in the person's possession a fictitious, stolen, revoked or altered certificate of number, department issued number or annual decal.

2. Lends to or knowingly permits the use of the person's certificate of number, department issued number or annual decal on a watercraft for which those items have not been issued.

I. On receipt of notice of conviction of a person under subsection G or H of this section, the department may revoke the numbers and decals issued to the watercraft that was involved in the violation and any other watercraft owned by the person convicted.

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ARTICLE 10. BOATING WHILE INTOXICATED

5-395. Operating or in actual physical control of a motorized watercraft while under the influence; violation; classification; definition

A. It is unlawful for any person to operate or be in actual physical control of a motorized watercraft that is underway within this state under any of the following circumstances:

1. While under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.

2. If the person has an alcohol concentration of 0.08 or more within two hours of operating or being in actual physical control of the motorized watercraft and the alcohol concentration results from alcohol consumed either before or while operating or being in actual physical control of the motorized watercraft.

3. While there is any drug as defined in section 13-3401 or its metabolite in the person's body.

4. If the motorized watercraft is a commercial motorized watercraft and the person has an alcohol concentration of 0.04 or more.

B. It is not a defense to a charge of a violation of subsection A, paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.

C. A person using a drug prescribed by a medical practitioner licensed pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating subsection A, paragraph 3 of this section.

D. The state shall not dismiss a charge of violating this section for either of the following:

1. In return for a plea of guilty or no contest to any other offense by the person charged with the violation of this section.

2. For the purpose of pursuing any other misdemeanor or a petty offense, including those arising out of the same event or course of conduct, unless there is clearly an insufficient legal or factual basis to pursue the charge of violating this section.

E. In any prosecution for a violation of this section the state, for the purpose of classification and sentencing pursuant to section 5-395.01 or 5-

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396, shall allege all prior convictions of violating this section occurring within the past eighty-four months, unless there is clearly an insufficient legal or factual basis to do so.

F. In a trial, action or proceeding for a violation of this section or section 5-396 other than a trial, action or proceeding involving operating or being in actual physical control of a commercial motorized watercraft, the defendant's alcohol concentration within two hours of the time of operating or being in actual physical control as shown by analysis of the defendant's blood, breath or other bodily substance gives rise to the following presumptions:

1. If there was at that time 0.05 or less alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.

G. Subsection F of this section shall not be construed as limiting the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.

H. If a blood test is administered, only a physician, a registered nurse or another qualified person may withdraw blood for the purpose of determining the alcohol concentration or drug content. The qualifications of the individual withdrawing the blood and the method used to withdraw the blood are not foundational prerequisites for the admissibility of any blood alcohol content determination made pursuant to this subsection.

I. If a law enforcement officer administers a duplicate breath test and the person tested is given a reasonable opportunity to arrange for an additional test pursuant to subsection J of this section, a sample of the person's breath does not have to be collected or preserved.

J. The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the tested

person's own choosing to administer a test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

K. If a person under arrest refuses to submit to a test or tests under section 5-395.03, whether or not a sample was collected pursuant to subsection L of this section or a search warrant, evidence of refusal is admissible in any civil or criminal action or other proceeding. The issue of refusal shall be an issue of fact to be determined by the trier of fact in all cases.

L. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated this section and a sample of blood, urine or any other bodily substance is taken from that person for any reason a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes. A person who fails to comply with this subsection is guilty of a class 1 misdemeanor.

M. A person who collects blood, urine or any other bodily substance under this section or any hospital, laboratory or clinic employing or utilizing the services of the person does not incur any civil liability as a result of this activity if requested by a law enforcement officer to collect blood, urine or any other bodily substances unless the person, while performing the activity, acts with gross negligence.

N. A statement by the defendant that the defendant was operating a motorized watercraft that was underway and that was involved in an accident resulting in injury to or death of any person is admissible in any criminal proceeding without further proof of corpus delicti if it is otherwise admissible.

O. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

P. For the purposes of this section, "alcohol concentration" means grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

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5-395.01. Operating or in actual physical control of a motorized watercraft while under the influence; classification; penalties

A. A person who is convicted of a violation of section 5-395 is guilty of a class 1 misdemeanor. The person:

1. Shall be sentenced to serve not less than ten consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty dollars.

3. May be ordered by a court to perform community restitution.

4. Shall pay an additional assessment of five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of five hundred dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

B. In addition to any other penalties under this section, the judge shall order the person to complete alcohol or other drug screening that is provided by a facility approved by the department of health services or a probation department. If a judge determines that the person requires further alcohol or other drug education or treatment, the person may be required pursuant to court order to obtain alcohol or other drug education or treatment under the court's supervision from an approved facility. The judge may review an education or treatment determination at the request of the state or the defendant or on the judge's own initiative. The person shall pay the costs of the screening, education or treatment unless the court waives part or all of the costs. If a person is referred to a screening, education or

treatment facility, the facility shall report to the court whether the person has successfully completed the screening, education or treatment program.

C. Notwithstanding subsection A, paragraph 1 of this section and except as provided in section 5-398.01, the judge may either:

1. Suspend any imposed sentence for a first violation of section 5-395 if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

2. Suspend all but twenty-four consecutive hours of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program and if the court determines the person recklessly endangered another person with a substantial risk of physical injury. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

D. If within a period of eighty-four months a person is convicted of a second violation of section 5-395 or is convicted of a violation of section 5-395 and has previously been convicted of an act in another jurisdiction that if committed in this state would be a violation of section 5-395, the person:

1. Shall be sentenced to serve not less than ninety days in jail, thirty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars.

3. Shall be ordered by the court to perform at least thirty hours of community restitution. If the person fails to complete the community restitution ordered pursuant to this paragraph, the court may order alternative sanctions if the court determines that alternative sanctions are more appropriate.

4. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or

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a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

E. Notwithstanding subsection D, paragraph 1 of this section, at the time of sentencing, except if the court determines the person recklessly endangered another person with a substantial risk of physical injury, the judge may suspend all but thirty days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause as to why the remaining jail sentence should not be served.

F. In applying the eighty-four month provision of subsection D of this section, the dates of the commission of the offense shall be the determining factor irrespective of the sequence in which the offenses were committed.

G. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

H. Any political subdivision processing or utilizing the services of a person ordered to perform community restitution pursuant to this section does not incur any civil liability to the person ordered to perform community restitution as a result of these activities unless the political subdivision or its agent or employee acts with gross negligence.

I. After a person who is sentenced pursuant to subsection A of this section has served twenty-four consecutive hours in jail or after a person who is sentenced pursuant to subsection D of this section has served forty-eight consecutive hours in jail and after receiving confirmation that the person is employed or is a student, the court, on pronouncement of any jail

sentence under this section, may provide in the sentence that the person may be permitted, if the person is employed or is a student and can continue the person's employment or studies, to continue such employment or studies for not more than twelve hours per day nor more than five days per week, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. The person shall be allowed out of jail only long enough to complete the actual hours of employment or studies and no longer.

J. A person who is sentenced pursuant to this section is eligible for a home detention program pursuant to the provisions of section 9-499.07, subsections M through R or section 11-459, subsections L through Q.

K. The court shall allow the allegation of a prior conviction or other pending charge of a violation of section 5-395 filed twenty or more days before the date the case is actually tried and may allow the allegation of a prior conviction or other pending charge of a violation of section 5-395 filed any time before the date the case is actually tried, provided that when the allegation is filed this state must make available to the defendant a copy of any information obtained concerning the prior conviction or other pending charge. Any conviction may be used to enhance another conviction irrespective of the dates on which the offenses occurred within the eighty-four month provision.

L. If a person is placed on probation for violating section 5-395, the probation shall be supervised unless the court finds that supervised probation is not necessary or the court does not have supervisory probation services.

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5-395.02. Admissibility of breath test or other records

A. The results of a breath test administered for the purpose of determining a person's alcohol concentration as defined in section 5-395 are admissible as evidence in any trial, action or proceeding on establishing the following foundational requirements:

1. The test was performed using a quantitative breath testing device approved by the department of public safety. A properly authenticated certification by the department of public safety or judicial notice of department of public safety rules is sufficient to establish this requirement.

2. The operator who conducted the test possessed a valid permit issued by the department of health services or the department of public safety to operate the device used to conduct the test.

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3. Duplicate tests were administered and the test results were within 0.02 alcohol concentration of each other and an operator observed the person charged with the violation for fifteen minutes immediately preceding the administration of the test.

4. The operator who conducted the test followed an operational checklist approved by the department of public safety for the operation of the device used to conduct the test. The testimony of the operator is sufficient to establish this requirement.

5. The device used to conduct the test was in proper operating condition. Records of periodic maintenance that show that the device was in proper operating condition are admissible in any proceeding as prima facie evidence that the device was in proper operating condition at the time of the test. Calibration checks with a standard alcohol concentration solution bracketing each person's duplicate breath test are one type of records of periodic maintenance that satisfies the requirements of this section. The records are public records.

B. Compliance with subsection A of this section is the only requirement for the admission in evidence of a breath test result.

C. The inability of any person to obtain manufacturer's schematics and software for a quantitative breath testing device that is approved as prescribed in subsection A of this section shall not affect the admissibility of the results of a breath test pursuant to this section.

D. Records that may be obtained or are otherwise maintained pursuant to section 28-1327 are admissible as evidence in any trial, action or proceeding. 2008

5-395.03. Test for alcohol concentration or drug content; refusal

A. Any person who operates a motorized watercraft that is underway within this state gives consent, subject to section 4-244, paragraph 34, section 5-395 or section 5-396, to a test or tests of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content if the person is arrested for any offense arising out of acts alleged to have been committed in violation of this chapter or section 4-244, paragraph 34 while the person was operating or in actual physical control of a motorized watercraft that was underway while under the influence of intoxicating liquor or drugs. The test or tests chosen by the law enforcement agency shall be administered at the

direction of a law enforcement officer having reasonable grounds to believe the person to have been operating or in actual physical control of a motorized watercraft that is underway within this state while under the influence of intoxicating liquor or drugs, or if the person is under twenty-one years of age, with spirituous liquor in the person's body.

B. Following an arrest a violator shall be requested to submit to and successfully complete any test or tests prescribed by subsection A of this section.

C. If a person under arrest refuses to submit to the test designated by the law enforcement agency as provided in subsection A of this section none shall be given, except as provided in section 5-395, subsection L or pursuant to a search warrant. 2008

5-395.04. Preliminary breath tests; authority

A. A law enforcement officer who has reasonable suspicion to believe that a person has committed a violation of section 5-395 may request that the person submit to a preliminary breath test or tests before an arrest.

B. In addition to a breath test or tests the officer may require that the person submit to further testing pursuant to section 5-395.03.

C. The director of the department of public safety shall adopt rules prescribing the approval of quantitative preliminary breath testing devices. 2008

5-396. Aggravated operating or actual physical control of motorized watercraft while under the influence of intoxicating liquor or drugs; classification

A. A person is guilty of aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of intoxicating liquor or drugs if the person does any of the following:

1. Within a period of eighty-four months commits a third or subsequent violation of section 5-395 or 5-397 or this section or is convicted of a violation of section 5-395 or 5-397 or this section and has previously been convicted of any combination of convictions of section 5-395 or 5-397 or this section or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section.

2. While a person under fifteen years of age is aboard the motorized watercraft, commits any of the following:

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(a) A first violation of section 5-395, if the person recklessly endangers the person who is under fifteen years of age with a substantial risk of physical injury.

(b) A second violation of section 5-395 within a period of eighty-four months.

(c) A violation of section 5-397.

B. The dates of the commission of the offenses are the determining factor in applying the eighty-four month provision provided in subsection A, paragraph 1 or paragraph 2, subdivision (b) of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts. The time that a probationer is found to be on absconder status or the time that a person is incarcerated in any state, federal, county or city jail or correctional facility is excluded when determining the eighty-four month period provided in subsection A, paragraph 1, subsection A, paragraph 2, subdivision (b) and subsection D of this section.

C. A person who is convicted under subsection A, paragraph 1 of this section and who within an eighty-four month period has been convicted of two prior violations of section 5-395 or 5-397 or this section, or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than four months in prison.

D. A person who is convicted under subsection A, paragraph 1 of this section and who within an eighty-four month period has been convicted of three or more prior violations of section 5-395 or 5-397 or this section, or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison.

E. A person who is convicted under subsection A, paragraph 2, subdivision (a) or (b) of this section shall serve at least the minimum term of incarceration required pursuant to section 5-395.01.

F. A person who is convicted under subsection A, paragraph 2, subdivision (c) of this section shall serve at least the minimum term of incarceration required pursuant to section 5-397.

G. A person who is convicted of a violation of this section and who is placed on probation shall attend and complete alcohol or drug screening, counseling and education from an approved facility and, if ordered by the court, treatment from an approved facility. If the person fails to comply with this subsection, in addition to section 13-901 the court may order that the person be incarcerated as a term of probation as follows:

1. For a person sentenced pursuant to subsection C of this section, for an individual period of not more than four months and a total period of not more than one year.

2. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than eight months and a total period of not more than two years.

H. The time that a person spends in custody pursuant to subsection G of this section shall not be counted toward the sentence imposed if the person's probation is revoked and the person is sentenced to prison following revocation of probation.

I. On conviction for a violation of this section, the court:

1. Shall order the person to pay a fine of not less than seven hundred fifty dollars.

2. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies received to the state treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304. Any fine imposed for a violation of this section and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in this paragraph.

3. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall

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transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

4. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

J. Aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of an intoxicating liquor or drugs committed under:

1. Subsection A, paragraph 1 of this section is a class 4 felony.
2. Subsection A, paragraph 2 of this section is a class 6 felony. **2008**

5-397. Operating or in actual physical control of a motorized watercraft while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification; definition

A. It is unlawful for a person to operate or be in actual physical control of a motorized watercraft that is underway within this state if the person has an alcohol concentration as follows within two hours of operating or being in actual physical control of the motorized watercraft and the alcohol concentration results from alcohol consumed either before or while operating or being in actual physical control of the motorized watercraft:

1. 0.15 or more but less than 0.20.
2. 0.20 or more.

B. A person who is convicted of a violation of this section is guilty of operating or being in actual physical control of a motorized watercraft while under the extreme influence of alcohol.

C. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

D. A person who is convicted of a violation of this section:

1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence

unless the entire sentence is served if the person is convicted of a violation of subsection A, paragraph 1 of this section. A person who is convicted of a violation of subsection A, paragraph 2 of this section shall be sentenced to serve not less than forty-five consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty dollars, except that a person who is convicted of a violation of subsection A, paragraph 2 of this section shall pay a fine of not less than five hundred dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.

3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304.

4. May be ordered by a court to perform community restitution.

5. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

6. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

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E. Notwithstanding subsection D, paragraph 1 of this section, at the time of sentencing if the person is convicted of a violation of subsection A, paragraph 1 of this section, the judge may suspend all but ten days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

F. If within a period of eighty-four months a person is convicted of a second violation of this section or is convicted of a violation of this section and has previously been convicted of a violation of section 5-395 or 5-396 or an act in another jurisdiction that if committed in this state would be a violation of this section or section 5-395 or 5-396, the person:

1. Shall be sentenced to serve not less than one hundred twenty days in jail, sixty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served if the person is convicted of a violation of subsection A, paragraph 1 of this section. A person who is convicted of a violation of subsection A, paragraph 2 of this section shall be sentenced to serve not less than one hundred eighty days in jail, ninety of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars, except that a person who is convicted of a violation of subsection A, paragraph 2 of this section shall pay a fine of not less than one thousand dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.

3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304.

4. Shall be ordered by a court to perform at least thirty hours of community restitution. If the person fails to complete the community restitution ordered pursuant to this paragraph, the court may order alternative sanctions if the court determines that alternative sanctions are more appropriate.

5. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

6. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

G. Notwithstanding subsection F, paragraph 1 of this section, at the time of sentencing, if the person is convicted of a violation of subsection A, paragraph 1 of this section, the judge may suspend all but sixty days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause as to why the remaining jail sentence should not be served.

H. In applying the eighty-four month provision of subsection F of this section, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed.

I. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

J. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.

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K. For the purposes of this section, "alcohol concentration" means grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath. 2008

**TITLE 17
GAME AND FISH**

**CHAPTER 2
GAME AND FISH DEPARTMENT AND GAME AND FISH
COMMISSION**

ARTICLE 3. POWERS AND DUTIES

17-245. Training courses

The commission may:

1. Offer training courses on a voluntary basis to all persons as prescribed by rule.
2. Require any person whose hunting, fishing or guide license has been revoked or suspended to show a certificate of completion of a training course as a condition to issuance or renewal of a hunting, fishing or guide license. 2008

**CHAPTER 3.
TAKING AND HANDLING OF WILDLIFE**

ARTICLE 2. LICENSES

17-332. Form and contents of license; duplicate licenses; period of validity

A. Licenses and license materials shall be prepared by the department and furnished and charged to dealers authorized to issue licenses. The license

shall be issued in the name of the department and countersigned by an issuing dealer. Except as provided by rule adopted by the commission, each license shall be signed by the licensee in ink on the face of the license and any license not signed is invalid. With each license authorizing the taking of big game the department shall provide such tags as the commission may prescribe, which the licensee shall attach to the big game animal in such manner as prescribed by the commission. The commission shall limit the number of big game permits issued to nonresidents in a random drawing to ten per cent or fewer of the total hunt permits, but in extraordinary circumstances, at a public meeting the commission may increase the number of permits issued to nonresidents in a random drawing if, on separate roll call votes, the members of the commission unanimously:

1. Support the finding of a specifically described extraordinary circumstance.

2. Adopt the increased number of nonresident permits for the hunt.

B. The commission shall issue with each license a shipping permit entitling the holder of the license to a shipment of game or fish as provided by article 4 of this chapter.

C. It is unlawful, except as provided by the commission, for any person to apply for or obtain in any one license year more than one original license permitting the taking of big game. A duplicate license or tag may be issued by the department or by a license dealer if the person requesting such license or tag furnishes the information deemed necessary by the commission. A fee of four dollars shall be collected for each duplicate license or tag issued.

D. No license or permit is transferable, nor shall such license or permit be used by anyone except the person to whom such license or permit was issued, except that:

1. A person may transfer the person's big game permit or tag to a qualified organization for use by a minor child who has a life threatening medical condition or by a minor child who has a permanent physical disability. The commission may prescribe the manner and conditions of transferring and using permits and tags under this paragraph. If a physically disabled child is under fourteen years of age, the child must satisfactorily complete the Arizona hunter education course or another comparable hunter education course that is approved by the director. For the purposes of this paragraph:

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(a) "Disability" means a permanent physical impairment that substantially limits one or more of the child's major life activities requiring the assistance of another person or a mechanical device for physical mobility.

(b) "Qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the United States internal revenue code and that affords opportunities and experiences to children with life threatening medical conditions or with physical disabilities.

2. A parent, grandparent or legal guardian may allow the parent's, grandparent's or guardian's minor child or minor grandchild to use the parent's, grandparent's or guardian's big game permit or tag to take big game pursuant to the following requirements:

(a) The parent, grandparent or guardian must transfer the permit or tag to the child in a manner prescribed by the commission.

(b) The parent or guardian must accompany the child in the field or, if a grandparent allows a minor grandchild to use the grandparent's permit or tag, the grandparent, the parent or the child's guardian must accompany the child in the field. In either case, the adult must be within fifty yards of the child when the animal is taken.

(c) The child must possess a class F, class G, class K, class M or class N license and, if under fourteen years of age, must satisfactorily complete the Arizona hunter education course or another comparable hunter education course that is approved by the director.

(d) Any big game that is taken counts toward the child's bag limit.

E. No refunds may be made for the purchase of a license or permit.

F. Licenses are valid for a license year and expire on December 31 except for special licenses issued by the commission, complimentary licenses as provided by section 17-336, resident and nonresident trapping licenses, sport falconry licenses and classes B, C and D licenses as provided in section 17-333 and lifetime class A, F and G licenses and lifetime trout stamps as provided in section 17-335.01. Trapping licenses are valid from July 1 through June 30 of the following year. Lifetime licenses and lifetime trout stamps are valid for the lifetime of the licensee.

2008

17-333. Licenses; classes; fees

A. Licenses shall be divided into classes and maximum fees to be paid for such licenses are as follows:

1. Class A, general fishing license, valid for the taking of all aquatic wildlife, except trout statewide, and aquatic wildlife from commission designated urban waters, resident, twenty-five dollars; nonresident, eighty-five dollars, except that the maximum fee for a class A license issued in November or December is one-half of the fee otherwise prescribed by this paragraph.

2. Trout stamp, validates general and lifetime class A licenses for the taking of trout, resident, fifteen dollars; nonresident, sixty dollars. The stamp is valid for a license year and expires on December 31, whether it validates a general or lifetime license.

3. Class B, nonresident general four month fishing license, valid for the taking of all aquatic wildlife, except from commission designated urban waters, thirty-eight dollars.

4. Class C, nonresident general five-day fishing license, valid for the taking of all aquatic wildlife, except from commission designated urban waters, thirty-four dollars and nine dollars for each additional day.

5. Class D, one-day fishing license, valid for the taking of all aquatic wildlife, resident, sixteen dollars and eight dollars for each additional day; nonresident, eighteen dollars and nine dollars for each additional day.

6. Resident youth group two-day fishing license, valid for taking all aquatic wildlife, except on the Colorado river, issued to a nonprofit organization which sponsors adult supervised activities for groups of juveniles fourteen years of age through seventeen years of age, not to exceed twenty juveniles for any one group license, twenty-five dollars.

7. Class E, Colorado river fishing license, valid for the taking of all aquatic wildlife, nonresident, fifty-five dollars.

8. Class F, combination general hunting and fishing license, valid for the taking of all aquatic wildlife, except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds, resident, sixty dollars; nonresident, two hundred seventy dollars.

9. Urban fishing license, valid for taking all aquatic wildlife from commission designated urban waters, residents and nonresidents, twenty-one dollars. The privileges granted by a complimentary license shall include the right to fish in all commission designated urban waters.

10. Class G, general hunting license, valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, nongame birds

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and upland game birds, resident, thirty-five dollars; nonresident, one hundred eighty-five dollars.

11. Class H, three-day hunting license, valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds, nonresident, sixty-seven dollars.

12. Class I, resident family fishing licenses, valid for taking all aquatic wildlife, except aquatic wildlife from commission designated urban waters, issued to members of an immediate family residing in the same household. The commission shall prescribe by rule the age and eligibility of the family license holder. The fees for persons who are licensed pursuant to this paragraph are:

(a) For one adult licensed under this paragraph, the current fee for a class A general fishing license and trout stamp, including any surcharge pursuant to section 17-345.

(b) For any additional adult licensed under this paragraph in the immediate family, eighty per cent of the current fee for a class A general fishing license and trout stamp, including any surcharge pursuant to section 17-345.

(c) Two dollars for any child licensed under this paragraph in the immediate family.

13. Class J, resident family hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds, issued to members of an immediate family residing in the same household. The commission shall prescribe by rule the age and eligibility of the family license holder. The fees for persons who are licensed pursuant to this paragraph are:

(a) For one adult licensed under this paragraph, the current fee for a class G general hunting license, including any surcharge pursuant to section 17-345.

(b) For any additional adult licensed under this paragraph in the immediate family, eighty per cent of the current fee for a class G general hunting license, including any surcharge pursuant to section 17-345.

(c) Fifteen dollars for any child licensed under this paragraph in the immediate family.

14. Class K, combination resident family hunting and fishing license, valid for taking all aquatic wildlife, except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame

animals, nongame birds and upland game birds, issued to members of an immediate family residing in the same household. The commission shall prescribe by rule the age and eligibility of the family license holder. The fees for persons who are licensed pursuant to this paragraph are:

(a) For one adult licensed under this paragraph, the current fee for a class F combination general hunting and fishing license, including any surcharge pursuant to section 17-345.

(b) For any additional adult licensed under this paragraph in the immediate family, eighty per cent of the current fee for a class F combination general hunting and fishing license, including any surcharge pursuant to section 17-345.

(c) Twenty dollars for any child licensed under this paragraph in the immediate family.

15. Class L, super conservation fishing license, valid for taking all aquatic wildlife, including trout and aquatic wildlife from commission designated urban waters, and including stamps prescribed by the commission, resident, fifty dollars; nonresident, sixty dollars.

16. Class M, super conservation hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds, and including tags and stamps prescribed by the commission, resident, one hundred fifteen dollars.

17. Class N, combination super conservation hunting and fishing license, valid for taking all aquatic wildlife, including trout and aquatic wildlife from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds, and including tags and stamps prescribed by the commission, resident, one hundred sixty dollars.

18. Apprentice hunting license, valid for two days when the apprentice is accompanied in the field by a mentor. An apprentice hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds, and including stamps prescribed by the commission. An apprentice may be a resident or nonresident and may only be licensed pursuant to this paragraph once per calendar year. A mentor must be a bona fide resident of this state who is at least eighteen years of age and must possess a class F, G, J, K, M or N license or a complimentary or lifetime license. A mentor may apply for no more than two apprentice hunting licenses per calendar year.

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19. Javelina tag, validates class F, G, J, K, M or N license or complimentary or lifetime license for taking javelina, resident, thirty dollars; nonresident, one hundred twenty-five dollars.

20. Turkey tag, validates class F, G, J, K, M or N license or complimentary or lifetime license for taking turkey, resident, twenty-five dollars; nonresident, ninety dollars.

21. Bear tag, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of bear, resident, thirty dollars; nonresident, two hundred seventy-five dollars.

22. Mountain lion tag, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of mountain lion, resident, nineteen dollars; nonresident, two hundred fifty dollars.

23. Deer tag class A, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of deer, resident, one hundred fifty dollars; nonresident, one thousand two hundred dollars. Deer tag class B, validates class F, G, J, K, M or N license or complimentary or lifetime license, for the taking of deer, resident, fifty dollars; nonresident, three hundred twenty-five dollars. Not more than five per cent of the total deer tags issued in any calendar year shall be class A tags.

24. Pronghorn (antelope) tag, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of pronghorn (antelope), resident, ninety dollars; nonresident, six hundred thirty dollars.

25. Elk tag class A, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of elk, resident, three hundred fifty dollars; nonresident, three thousand two hundred dollars. Elk tag class B, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of elk, resident, one hundred fifty dollars; nonresident, seven hundred seventy-five dollars. Not more than five per cent of the total elk tags issued in any calendar year shall be class A tags.

26. Bighorn sheep tag, validates class F, G, J, K, M or N license or complimentary or lifetime license for the taking of bighorn sheep, resident, three hundred thirty-five dollars; nonresident, three thousand dollars.

27. Private game farm license, seventy-five dollars.

28. Minnow dealer's license, forty dollars.

29. Guide license, five hundred dollars.

30. Taxidermist license, two hundred fifty dollars.

31. Wildlife hobby license, five dollars.

32. Zoo license, one hundred thirty dollars.

33. Shooting preserve license, one hundred thirty dollars.

34. Field trial license, seven dollars.

35. Trapping license, resident, fifty dollars; nonresident, five hundred dollars; resident juvenile trapping license, fourteen years of age through seventeen years of age, thirty dollars.

36. Fur dealer's license, one hundred thirty dollars.

37. Permit application fee, ten dollars.

38. State waterfowl stamp, validates class F, G, H, J, K, M or N license or apprentice, complimentary or lifetime license for taking ducks, geese and swans, ten dollars.

39. State migratory bird stamp, validates class F, G, H, J, K, M or N license or apprentice, complimentary or lifetime license for taking migratory game birds, six dollars.

40. White amur (*ctenopharyngodon idellus*) stocking license, three hundred dollars.

41. License dealer's license, a minimum of twenty-five dollars and a maximum of one hundred twenty-five dollars provided, however, that the maximum of one hundred twenty-five dollars may be exceeded by a dealer with multiple business establishments who shall pay an additional fee of twenty-five dollars for each establishment at which licenses will be sold.

42. Resident lifetime classes A, F and G licenses and resident lifetime trout stamp as provided by section 17-335.01.

43. Two-pole stamp, validates general or lifetime class A, B, C, D, E, F, L or N license, complimentary or urban fishing license or class I or K license issued to an individual member of an immediate family for simultaneous fishing with two lines, resident, eight dollars; nonresident, twenty-four dollars. The stamp is valid for a license year and expires on December 31 regardless of whether it validates a general, complimentary or lifetime license.

44. Sport falconry license, valid for possessing and transporting raptors as provided by section 17-236 and as prescribed by the commission and validates class F, G, J, K, M or N license or complimentary or lifetime license for hunting or taking quarry with a trained raptor, one hundred dollars. The license is valid from the date it is issued by the department until the third December from the date of issue.

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B. The commission shall set fees for classes of licenses designated in subsection A of this section for firearms, bow and arrow and all other authorized devices within the maximum limit authorized. The commission may establish subclassifications within a class of license, permit or tag and set a fee for each subclassification within the maximum authorized limit. The commission may reduce license fees any amount deemed necessary. If it becomes necessary to limit or further regulate the taking of any species of wildlife, the commission may order issuance of an additional license or permit and fix fees for such license or permit. **2008**

17-333.01. State waterfowl stamp

A. It is unlawful for a person sixteen years of age or older to take or possess a duck, goose or swan in the field unless the person has in his possession a current valid state waterfowl stamp. Except as provided by rule adopted by the commission, a stamp is validated by the licensee's signature written in ink across its face. The commission shall issue state waterfowl stamps annually and prescribe the valid date.

B. The commission shall prescribe the form of the waterfowl stamps and furnish them to dealers to issue in the same manner as other stamps, tags and licenses and for the fee prescribed pursuant to section 17-333.

C. The commission may contract for the design and production of waterfowl stamps and artwork with any person or entity on terms which, in its judgment, will produce an original and valuable work of art. The production and reproduction of the original work of art are exempt from the requirements of title 41, chapter 23. The commission shall own and control all property rights and reproduction rights in works of art acquired under this section. The commission may sell or distribute the artwork and surplus stamps on such terms and for such price as it deems acceptable. **2008**

17-333.03. State migratory bird stamp; violation

A. The commission shall:

1. Issue state migratory bird stamps annually and prescribe the valid date.
2. Prescribe the form of the migratory bird stamp and furnish the stamps to dealers to sell in the same manner as other stamps, tags and licenses for the fee prescribed pursuant to section 17-333.

B. Except as provided by rule adopted by the commission, a stamp is validated by the licensee's signature written in ink across the stamp's face.

C. It is unlawful for a person sixteen years of age or older to take or possess a migratory game bird in the field, other than ducks, geese or swans, unless the person possesses a current valid state migratory bird stamp. **2008**

17-335.01. Lifetime hunting and fishing licenses and trout stamps; fees

A. The department shall issue lifetime hunting and fishing licenses and trout stamps as provided by this section.

B. The classes of lifetime licenses are as follows:

1. Resident lifetime class A, general fishing license, valid for taking all aquatic wildlife, except trout and aquatic wildlife from commission designated urban waters.
2. Resident lifetime class G, general hunting license, valid for taking small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds.
3. Resident lifetime class F, combination general hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds.
4. Resident lifetime trout stamp to validate a lifetime class A general fishing license for taking trout.

C. The fee for a lifetime license or trout stamp under subsection B of this section is determined according to the age of the applicant as follows:

<u>Age</u>	<u>Computation of fee</u>
0 through 13 years	seventeen times the maximum fee prescribed by section 17-333 for the equivalent annual license
14 through 29 years	eighteen times the maximum fee prescribed by section 17-333 for the equivalent annual license
30 through 44 years	sixteen times the maximum fee prescribed by section 17-333 for the equivalent annual license
45 through 61 years	fifteen times the maximum fee prescribed by section 17-333 for the equivalent annual license
62 and older	eight times the maximum fee prescribed by section 17-333 for the equivalent annual license

D. An additional class of lifetime license is resident lifetime wildlife benefactor class F, combination general hunting and fishing license, valid for taking all aquatic wildlife except from commission designated urban

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waters, small game, fur-bearing animals, predatory animals, nongame animals, nongame birds and upland game birds. The fee for a resident lifetime wildlife benefactor class F, combination general hunting and fishing license is one thousand dollars. The difference between one thousand dollars and the fee the licensee would otherwise pay for a resident lifetime class F license under subsections B and C of this section:

1. Is considered a donation to this state for continued management, protection and conservation of this state's wildlife.

2. Shall be credited to the wildlife endowment fund established by section 17-271.

3. Is tax deductible to the extent allowed by federal and state income tax statutes for contributions to qualifying tax-exempt organizations.

E. Lifetime licenses and trout stamps may be issued only at offices of the department. An applicant for a lifetime license or trout stamp shall provide proof of age and residency as prescribed by the commission.

F. Lifetime licenses and trout stamps may be denied or suspended pursuant to, and for the offenses described in, section 17-340.

G. Lifetime licenses and trout stamps remain valid if the licensee subsequently resides outside this state, but the licensee must pay the nonresident fee to purchase any additional stamps, permits and tags required to hunt and fish in this state. Limits set by the commission on issuing nonresident stamps, permits or tags do not apply to stamps, permits or tags sold to a lifetime licensee.

H. Except as provided by subsection D, paragraph 2 of this section, monies derived from selling lifetime licenses and trout stamps shall be distributed as follows:

1. An amount equal to the fee for an equivalent annual license or stamp shall be deposited in the game and fish fund established by section 17-261 for the year in which the lifetime license or trout stamp was sold.

2. An amount equivalent to two times the maximum fee prescribed by section 17-333 for the equivalent annual license shall be deposited in the conservation development fund established by section 17-282 for the year in which the lifetime license or trout stamp was sold.

3. The remaining monies shall be deposited in the wildlife endowment fund.

2008

ARTICLE 3. TRAPPERS, GUIDES AND TAXIDERMISTS

17-362. Guide license; violations; annual report; carrying firearms

A. No person shall act as a guide without first satisfying the director of the person's qualifications and without having procured a guide license. No person under eighteen years of age shall be issued a guide license.

B. If a licensed guide fails to comply with this title or is convicted of violating any provision of this title, in addition to any other penalty prescribed by this title:

1. For a first offense, the commission, after a public hearing, may revoke or suspend the guide license and deny the person the right to secure another license for a period of up to five years.

2. For a second offense, the commission, after a public hearing, may revoke or suspend the guide license and deny the person the right to secure another license for a period of up to ten years.

3. For a third offense, the commission, after a public hearing, may revoke or suspend the guide license and permanently deny the person the right to secure another license.

C. By January 10 of each year, or at the request of the commission, guides shall report to the department, on forms provided by the department, the name and address of each person guided, the number of days so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for the preceding license year, or until meeting such requirements as the commission may prescribe.

D. No person acting as guide shall carry firearms other than a revolver or pistol.

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**TITLE 28
TRANSPORTATION**

**CHAPTER 3
TRAFFIC AND VEHICLE REGULATION**

ARTICLE 20. OFF-HIGHWAY VEHICLES

28-1171. Definitions

In this article, unless the context otherwise requires:

1. "Access road" means a multiple use corridor that meets all of the following criteria:

- (a) Is maintained for travel by two-wheel vehicles.
- (b) Allows entry to staging areas, recreational facilities, trail heads and parking.
- (c) Is determined to be an access road by the appropriate land managing authority.

2. "Closed course" means a maintained facility that uses department approved dust abatement and fire abatement measures.

3. "Highway" means the entire width between the boundary lines of every way publicly maintained by the federal government, the department, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of conventional two-wheel drive vehicular travel. Highway does not include routes designated for off-highway vehicle use.

4. "Mitigation" means the rectification or reduction of existing damage to natural resources, including flora, fauna and land or cultural resources, including prehistoric or historic archaeological sites, if the damage is caused by off-highway vehicles.

5. "Off-highway recreation facility" includes off-highway vehicle use areas and trails designated for use by off-highway vehicles.

6. "Off-highway vehicle":

(a) Means a motorized vehicle when operated primarily off of highways on land, water, snow, ice or other natural terrain or on a combination of land, water, snow, ice or other natural terrain.

(b) Includes a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects

or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind.

(c) Does not include a vehicle that is either:

(i) Designed primarily for travel on, over or in the water.

(ii) Used in installation, inspection, maintenance, repair or related activities involving facilities for the provision of utility or railroad service.

7. "Off-highway vehicle special event" means an event that is endorsed, authorized, permitted or sponsored by a federal, state, county or municipal agency and in which the event participants operate off-highway vehicles on specific routes or areas designated by a local authority pursuant to section 28-627.

8. "Off-highway vehicle trail" means a multiple use corridor that is both of the following:

(a) Open to recreational travel by an off-highway vehicle.

(b) Designated or managed by or for the managing authority of the property that the trail traverses for off-highway vehicle use.

9. "Off-highway vehicle use area" means the entire area of a parcel of land, except for approved buffer areas, that is managed or designated for off-highway vehicle use. **2008**

28-1175. Instruction course; fee

A. The Arizona game and fish department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.

B. Any governmental agency, corporation or other individual that conducts a training or educational course, or both, that is approved by the Arizona game and fish department, the United States bureau of land management or the United States forest service or that is approved or accepted by the all-terrain vehicle safety institute or the national off-highway vehicle conservation council may collect a fee from the participant that is reasonable and commensurate for the training and that is determined by the director of the Arizona game and fish department by rule. **2008**

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28-1176. Off-highway vehicle recreation fund; annual reports; definition

A. An off-highway vehicle recreation fund is established. The fund consists of:

1. Monies appropriated by the legislature.
2. Monies deposited pursuant to sections 28-1177 and 28-5927.
3. Federal grants and private gifts.

B. Monies in the off-highway vehicle recreation fund are appropriated to the Arizona state parks board solely for the purposes provided in this article. Interest earned on monies in the fund shall be credited to the fund. Monies in the off-highway vehicle recreation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona game and fish department shall spend thirty-five per cent of the monies in the off-highway vehicle recreation fund for informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation and law enforcement activities relating to this article and for off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3, including seven full-time employees to enforce this article and title 17, chapter 4, article 3.

D. The state land department shall spend five per cent of the monies in the off-highway vehicle recreational fund to allow occupants of off-highway vehicles with user indicia to cross state trust land on existing roads, trails and designated routes. The state land department shall use these monies for costs associated with off-highway vehicle use of lands within its jurisdiction, to mitigate damage to the land, for necessary environmental, historical and cultural clearance or compliance activities and to fund enforcement of off-highway vehicle laws.

E. The Arizona state parks board shall spend sixty per cent of the monies in the off-highway vehicle recreation fund for the following purposes:

1. No more than twelve per cent to fund staff support to plan and administer the off-highway vehicle recreation fund.
2. To establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan.
3. To designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas. After expenditures pursuant to paragraph 1 of this

subsection, the Arizona state parks board shall not spend more than thirty-five per cent of the remaining monies received pursuant to this subsection for construction of new off-highway vehicle trails.

4. For enforcement of off-highway vehicle laws.

5. For off-highway vehicle related informational and environmental education programs, information, signage, maps and responsible use programs.

6. For the mitigation of damages to land, revegetation and the prevention and restoration of damages to natural and cultural resources, including the closure of existing access roads, off-highway vehicle use areas and off-highway vehicle routes and trails.

7. For necessary environmental, historical and cultural clearance or compliance activities.

F. The allocation of the monies in subsection E, paragraphs 3 through 7 of this section and the percentages allocated to each of the purposes prescribed in subsection E, paragraphs 3 through 7 of this section shall be based on an off-highway vehicle recreational plan.

G. Monies in the off-highway vehicle recreation fund shall not be used to construct new off-highway vehicle trails or routes on environmentally or culturally sensitive land unless the appropriate land management agency determines that certain new trail construction would benefit or protect cultural or sensitive sites. For the purposes of this subsection, "environmentally or culturally sensitive land" means areas of lands that are either:

1. Administratively or legislatively designated by the federal government as any of the following:

- (a) A national monument.
- (b) An area of critical environmental concern.
- (c) A conservation area.
- (d) An inventoried roadless area.

2. Determined by the applicable land management agency to contain significant natural or cultural resources or values.

H. The Arizona state parks board shall examine applications for eligible projects and determine the amount of funding, if any, for each project. In determining the amount of monies for eligible projects, the Arizona state parks board shall give preference to applications for projects with

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mitigation efforts and for projects that encompass a large number of purposes described in subsection E, paragraphs 3 through 7 of this section.

I. Beginning September 1, 2011, and on or before September 1 of each subsequent year, each agency that receives monies from the off-highway vehicle recreation fund shall submit an off-highway vehicle report to the president of the senate, the speaker of the house of representatives, the chairperson of the senate natural resources and rural affairs committee, or its successor committee, and the chairperson of the house of representatives natural resources and public safety committee, or its successor committee. The report shall be made available to the public. The report shall include information on all of the following if applicable:

1. The amount of monies spent or encumbered in the fund during the preceding fiscal year for the purposes of off-highway vehicle law enforcement activities.

2. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for employee services.

3. The number of full-time employees employed in the preceding fiscal year in connection with off-highway vehicle law enforcement activities.

4. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for information and education.

5. The number and specific location of verbal warnings, written warnings and citations given or issued during the preceding fiscal year.

6. A specific and detailed accounting for all monies spent in accordance with this section for construction of new off-highway vehicle trails, mitigation of damages to lands, revegetation, the prevention and restoration of damages to natural and cultural resources, signage, maps and necessary environmental, historical and cultural clearance or compliance activities.

J. For the purposes of this section, "off-highway vehicle recreational plan" means a plan that is maintained by the Arizona state parks board pursuant to section 41-511.04. **2008**

28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

A. A person shall not operate an all-terrain vehicle or an off-highway vehicle in this state without an off-highway vehicle user indicia issued by the department if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:

1. Is designed by the manufacturer primarily for travel over unimproved terrain.

2. Has an unladen weight of eighteen hundred pounds or less.

B. A person shall apply to the department of transportation for the off-highway vehicle user indicia by submitting an application prescribed by the department of transportation and a user fee for the indicia in an amount to be determined by the director of the department of transportation in cooperation with the director of the Arizona game and fish department and the Arizona state parks board. The user indicia is valid for one year from the date of issuance and may be renewed. The department shall prescribe by rule the design and placement of the indicia.

C. When a person pays for an off-highway vehicle user indicia pursuant to this section, the person may request a motor vehicle registration if the vehicle meets all equipment requirements to be operated on a highway pursuant to article 16 of this chapter. If a person submits a signed affidavit to the department affirming that the vehicle meets all of the equipment requirements for highway use and that the vehicle will be operated primarily off of highways, the department shall register the vehicle for highway use and the vehicle owner is not required to pay the registration fee prescribed in section 28-2003. This subsection does not apply to vehicles that as produced by the manufacturer meet the equipment requirements to be operated on a highway pursuant to article 16 of this chapter.

D. The director shall deposit, pursuant to sections 35-146 and 35-147, seventy per cent of the user fees collected pursuant to this section in the off-highway vehicle recreation fund established by section 28-1176 and thirty per cent of the user fees collected pursuant to this section in the Arizona highway user revenue fund.

E. An occupant of an off-highway vehicle with a user indicia issued pursuant to this section who crosses state trust lands must comply with all of the rules and requirements under a state trust land recreational permit. All occupants of an off-highway vehicle with a user indicia shall obtain a state trust land recreational permit from the state land department for all other authorized recreational activities on state trust land.

F. This section does not apply to off-highway vehicles, all-terrain vehicles or off-road recreational motor vehicles that are used off-highway exclusively for agricultural, ranching, construction, mining or building trade purposes. **2008**

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28-1178. Operation of off-highway vehicles; exceptions

A person may operate an all-terrain vehicle or an off-highway vehicle in this state without an off-highway vehicle user indicia issued pursuant to section 28-1177 if any of the following applies:

1. The person is participating in an off-highway special event.
2. The person is operating an all-terrain vehicle or an off-highway vehicle on private land.
3. The person is loading or unloading an all-terrain vehicle or an off-highway vehicle from a vehicle.
4. During a period of emergency or if the operation is directed by a peace officer or other public authority.
5. All of the following apply:
 - (a) The person is not a resident of this state.
 - (b) The person owns the vehicle.
 - (c) The vehicle displays a current off-highway vehicle user indicia or registration from the person's state of residency.
 - (d) The vehicle is not in this state for more than thirty consecutive days.

2008

28-1179. Off-highway vehicle equipment requirements; rule making; exception

A. An off-highway vehicle in operation in this state shall be equipped with all of the following:

1. Brakes adequate to control the movement of the vehicle and to stop and hold the vehicle under normal operating conditions.
2. Lighted headlights and taillights that meet or exceed original equipment manufacturer guidelines if operated between one-half hour after sunset and one-half hour before sunrise.
3. Except when operating on a closed course, either a muffler or other noise dissipative device that prevents sound above ninety-six decibels. The director shall adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other off-highway vehicles.

4. A spark arrestor device that is approved by the United States department of agriculture and that is in constant operation except if operating on a closed course.

5. A safety flag that is at least six by twelve inches and that is attached to the off-highway vehicle at least eight feet above the surface of level ground, if operated on sand dunes or areas designated by the managing agency.

B. A person who is under eighteen years of age may not operate or ride on an off-highway vehicle on public or state land unless the person is wearing protective headgear that is properly fitted and fastened, that is designed for motorized vehicle use and that has a minimum United States department of transportation safety rating.

C. In consultation with the department of transportation, the Arizona game and fish commission may:

1. Adopt rules necessary to implement this section.
2. Prescribe additional equipment requirements not in conflict with federal laws.

D. This section does not apply to a private landowner or lessee performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land in accordance with the landowner's or lessee's lease.

2008

28-1180. Race or organized event; authorization required

No person may organize, promote or hold an off-highway vehicle race or other organized event on any land or highway in this state, except as authorized by the appropriate agency that has jurisdiction over the land or highway or the landowner.

2008

28-1181. Civil traffic violation

Unless otherwise specified in this article, a violation of this article is a civil traffic violation.

2008

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CHAPTER 7 CERTIFICATE OF TITLE AND REGISTRATION

ARTICLE 15. DISTINCTIVE VEHICLES

28-2512. All-terrain motor vehicles; off-highway vehicles; off-road recreational motor vehicles; license plates

A. Every owner of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle shall apply to the department for a license plate.

B. The department shall furnish to an owner of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle one license plate for each vehicle.

C. The fee for a plate issued pursuant to this section is eight dollars.

D. The license plate assigned to a motor vehicle pursuant to this section shall be:

1. Attached to the rear of the vehicle.
2. Securely fastened to the vehicle in a clearly visible position.

E. An owner of an off-highway vehicle as defined in section 28-1171 participating in an off-highway vehicle special event as defined in section 28-1171 is exempt from the requirements of this section.

F. On or before July 1, 2009, the director shall establish procedures to systematically replace license plates issued for all-terrain vehicles, off-highway vehicles and off-road recreational motor vehicles before January 1, 2009 with the license plate prescribed in this section.

G. In consultation with the Arizona game and fish department and the Arizona state parks board, the director shall design the license plate prescribed by this section.

2008

TITLE 12. NATURAL RESOURCES CHAPTER 4. GAME AND FISH COMMISSION ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

Section

R12-4-802. Wildlife Area Restrictions

R12-4-802. Wildlife Area Restrictions

No person shall violate the following restrictions on Wildlife Areas:

1. Alamo Wildlife Area (located in Units 16A and 44A):
 - a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
 - b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Open to hunting in season.
2. Allen Severson Wildlife Area (located in Unit 3B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Posted portions closed to discharge of all firearms from April 1 to July 31 annually.
 - e. Open to hunting in season, except posted portions closed to hunting from April 1 to July 31 annually.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
 - a. Access to Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
 - b. Closed to discharge of all firearms.
 - c. Open to hunting in season with bow and arrow only.
4. Arlington Wildlife Area (located in Unit 39):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Target or claybird shooting permitted in designated areas only.
 - e. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - f. Closed to discharge of rifled firearms.
 - g. Open to hunting in season.
5. Base and Meridan Wildlife Area (located in Units 39, 26M, and 47M):
 - a. No open fires.

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- b. No firewood cutting or gathering.
- c. No overnight public camping.
- d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
- e. Closed to discharge of rifled firearms.
- f. Open to hunting in season.
- g. No target or clay bird shooting.
- 6. Becker Lake Wildlife Area (located in Unit 1):
 - a. No open fires.
 - b. No overnight public camping.
 - c. Motorized vehicle travel permitted on designated roads only.
 - d. Posted portions closed to public entry from December 15 to July 31 annually.
 - e. Open to hunting in season, except posted portions. Legal weapons restricted to shotguns shooting shot and bow and arrow.
- 7. Bog Hole Wildlife Area (located in Unit 35B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Open to hunting in season.
- 8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Open to hunting in season.
- 9. Chevelon Creek Wildlife Area (located in Unit 4B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Posted portions closed to all public entry.
- f. Additional posted portions closed to public entry from October 1 to February 1 annually.
- g. Open to hunting in season, except posted portions closed to hunting from October 1 to February 1 annually.
- 10. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
 - a. Closed to discharge of all firearms.
 - b. Closed to hunting.
- 11. Cluff Ranch Wildlife Area (located in Unit 31):
 - a. Open fires allowed in designated areas only.
 - b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
 - c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Posted portions around Department housing closed to discharge of all firearms.
 - f. Closed to discharge of centerfire rifled firearms.
 - g. Open to hunting in season.
- 12. Colorado River Nature Center Wildlife Area (located in Unit 15D):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Closed to hunting.
- 13. House Rock Wildlife Area (located in Unit 12A):
 - a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - b. Open to hunting in season.
- 14. Jacques Marsh Wildlife Area (located in Unit 3B):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Open to hunting in season. Legal weapons restricted to shotguns shooting shot and bow and arrow.

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15. Lamar Haines Wildlife Area (located in Unit 7):
 - a. No firewood cutting or gathering.
 - b. No overnight public camping.
 - c. No motorized vehicles.
 - d. Open to hunting in season.
16. Luna Lake Wildlife Area (located in Unit 1):
 - a. Posted portions closed to public entry from April 1 to July 31 annually.
 - b. Open to hunting in season, except closed to hunting from April 1 to July 31 annually.
17. Mittry Lake Wildlife Area (located in Unit 43B):
 - a. Open fires allowed in designated areas only.
 - b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Posted portions closed to public entry from November 15 to February 15 annually.
 - e. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
18. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on posted designated roads, on designated trails, or in designated areas only.
 - e. Closed to discharge of centerfire rifled firearms.
 - f. Open to hunting in season.
 - g. If conducted during an event approved under R12-4-804, target or clay bird shooting in permitted designated areas only.
19. Quigley Wildlife Area (located in Unit 41):
 - a. No open fires.
 - b. No overnight public camping.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Posted portions closed to public entry from September 1 to March 31 annually.
 - e. Open to hunting in season, except posted portions closed to hunting from September 1 to March 31 annually.
20. Raymond Wildlife Area (located in Unit 5B):
 - a. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - b. Open to hunting in season.
21. Robbins Butte Wildlife Area (located in Unit 39):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only from one hour before sunrise to one hour after sunset daily.
 - e. Parking in designated areas only.
 - f. If conducted during an event approved under R12-4-804, target or claybird shooting permitted in designated areas only.
 - g. Posted portions around Department housing closed to discharge of all firearms.
 - h. Closed to discharge of centerfire rifled firearms.
 - i. Open to hunting in season.
22. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
 - a. Posted portions closed to public entry from November 15 to February 15 annually.
 - b. Open to hunting in season, except posted portions closed to hunting from November 15 to February 15 annually.
23. Santa Rita Wildlife Area (located in Unit 34A):
 - a. Motorized vehicle travel permitted on designated roads as permitted by R12-5-533(D).
 - b. Open to all hunting as permitted by R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 to August 31.
 - c. All other uses of state land will be according to the provisions of the Arizona State Land Department's Recreational Permit.
24. Sipe White Mountain Wildlife Area (located in Unit 1):
 - a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.

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- d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Posted portions around Department housing closed to discharge of all firearms.
 - f. Open to hunting in season.
25. Springerville Marsh Wildlife Area (located in Unit 2B):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Closed to discharge of all firearms.
 - e. Closed to hunting.
26. Sunflower Flat Wildlife Area (located in Unit 8):
- a. No overnight public camping.
 - b. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - c. Open to hunting in season.
27. Three Bar Wildlife Area (located in Unit 22): Open to hunting in season, except the area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, which is closed to hunting, unless otherwise provided by Commission Order.
28. Tucson Mountain Wildlife Area (located in Unit 38M):
- a. Closed to discharge of all firearms.
 - b. Open to hunting in season with bow and arrow only.
 - c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.
29. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
- a. No firewood cutting or gathering.
 - b. Overnight public camping allowed in designated areas only.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Open to hunting in season.
 - e. Closed to discharge of firearms within mile radius of visitor parking area.
30. Wenima Wildlife Area (located in Unit 2B):
- a. No open fires.
 - b. No firewood cutting or gathering.
 - c. No overnight public camping.
 - d. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - e. Posted portions closed to discharge of all firearms.
 - f. Open to hunting in season.
31. White Mountain Grasslands Wildlife Area (located in Unit 1):
- a. No open fires.
 - b. No overnight public camping.
 - c. Motorized vehicle travel permitted on designated roads only, except as permitted by R12-4-110(G).
 - d. Posted portions closed to public entry.
 - e. Open to hunting in season.
32. Whitewater Draw Wildlife Area (located in Unit 30B):
- a. Open fires allowed in designated areas only.
 - b. Overnight public camping allowed in designated areas only, for no more than three days within a seven-day period.
 - c. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - d. Closed to discharge of centerfire rifled firearms.
 - e. Posted portions closed to public entry from October 15 to March 15 annually.
 - f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.
33. Willcox Playa Wildlife Area (located in Unit 30A):
- a. Open fires allowed in designated sites only.
 - b. No firewood cutting or gathering.
 - c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
 - d. Motorized vehicle travel permitted on designated roads, on designated trails, or in designated areas only.
 - e. Posted portions closed to public entry from October 15 through March 15 annually.
 - f. Open to hunting in season, except posted portions closed to hunting from October 15 through March 15 annually.